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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
JORGE PLANCARTE, et al.,)
)
Defendants.)

No. CR 10-00824-JW

STIPULATION AND [Proposed]
ORDER CHANGING STATUS HEARING
FROM JANUARY 27, 2011, AT 9:00 A.M.
TO JANUARY 24, 2011 AT 1:30 P.M.
AND EXCLUDING TIME FROM
DECEMBER 2, 2010 TO JANUARY 24,
2011

The parties currently have scheduled before another court a status hearing on January 27, 2011, at 9:00 a.m., but this case has recently been reassigned to this Court and a new hearing date must be set. The parties request that the status hearing be rescheduled to January 24, 2011 at 1:30 p.m., and that an amended time exclusion order be issued that would exclude time under the Speedy Trial Act from December 2, 2010 to January 24, 2011, to permit the parties the reasonable time necessary for effective preparation. Time was previously excluded from December 2, 2010, through January 27, 2011, at a status hearing before the Honorable Jeremy

1 Fogel, United States District Judge, on December 2, 2010. The amended time exclusion order is
2 requested to reflect the January 24 hearing date.

3
4 DATED: January 4, 2011

MELINDA HAAG
United States Attorney

5
6 /s/
7 Thomas A. Colthurst
Assistant United States Attorney

8 /s/
9 Patrick S. Valencia, Esq.
Counsel for Defendant Jorge Plancarte

10 /s/
11 Peter A. Leeming, Esq.
Counsel for Defendant Angel Topete

12 /s/
13 Hugh Anthony Levine, Esq.
Counsel for Defendant David Martinez

14 /s/
15 Mary Elizabeth Conn, Esq.
Counsel for Defendant Alex Chavez

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20 **ORDER**

21 Based upon the stipulation of the parties, and for good cause shown, IT IS HEREBY
22 ORDERED THAT the status hearing in this case be rescheduled from January 27, 2011, at 9:00
23 a.m. to January 24, 2011 at 1:30 p.m.

24 For good cause shown, the Court further finds that failing to exclude the time between
25 December 2, 2010 and January 24, 2011, would deny counsel the reasonable time necessary for
26 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
27 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
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1 between December 2, 2010 and January 24, 2011, from computation under the Speedy Trial Act
2 outweigh the best interests of the public and the defendant in a speedy trial.

3 Therefore, IT IS HEREBY FURTHER ORDERED that the time between December 2,
4 2010 and January 24, 2011, shall be excluded from computation under the Speedy Trial Act. 18
5 U.S.C. § 3161(h)(7)(A) and (B)(iv).

6 IT IS SO ORDERED.

7 DATED: January 5, 2011


HON. JAMES WARE
UNITED STATES DISTRICT JUDGE